

1988

c 38 Motor Vehicle Repair Act, 1988

Ontario

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Bibliographic Citation

Motor Vehicle Repair Act, 1988, SO 1988, c 38

Repository Citation

Ontario (1988) "c 38 Motor Vehicle Repair Act, 1988," *Ontario: Annual Statutes*: Vol. 1988, Article 43.

Available at: http://digitalcommons.osgoode.yorku.ca/ontario_statutes/vol1988/iss1/43

CHAPTER 38

An Act to regulate Motor Vehicle Repairs*Assented to June 29th, 1988*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“customer” means an individual who contacts a repairer for an estimate, work or repairs to a vehicle;

“estimate” means an estimate of the total cost of work on and repairs for a vehicle;

“repairer” means a person who works on or repairs vehicles for compensation;

“vehicle” means a motor vehicle as defined in the *Highway Traffic Act*. R.S.O. 1980,
c. 198

2.—(1) Where a customer asks for a written estimate, no repairer shall charge for any work on or repairs to a vehicle unless the repairer first gives the customer an estimate, in writing, of the cost of the work on or repairs to the customer’s vehicle. Estimates

(2) An estimate given under subsection (1) must include, Idem

- (a) the name and address of both the customer and repairer;
- (b) the make, model, vehicle identification number and licence number of the vehicle;
- (c) a description of the work or repairs to be made to the vehicle;
- (d) the parts to be installed and a statement as to whether they will be new, used or reconditioned;
- (e) the price of the parts to be installed;

- (f) the number of hours to be billed, the hourly rate and the total cost of labour;
 - (g) the total amount to be billed; and
 - (h) the date the estimate is given and the date after which it ceases to apply.
- Estimate fee **3.**—(1) No person shall charge a fee for an estimate unless the customer is told in advance that a fee will be charged and the amount of the fee.
- Idem (2) A fee for an estimate shall be deemed to include the cost of diagnostic time and the cost of reassembling the vehicle and the cost of parts that will be damaged and must be replaced when reassembling if the work or repairs are not authorized by the customer.
- Idem (3) No person shall charge a fee for an estimate if the work or repairs in question are authorized and carried out.
- Idem (4) Despite subsection (3), a repairer may charge an estimate fee if the repairer is unable to obtain, without unreasonable delay, authorization to proceed with the work or repairs and the vehicle is reassembled before it is worked on or repaired so that it can be moved to free repair space.
- Authorization required **4.**—(1) No person shall charge for any work on or repairs to a vehicle unless the customer authorizes the work or repairs.
- Idem (2) No person shall charge, for work or repairs for which an estimate was given, an amount that exceeds the estimate by more than 10 per cent.
- Authorization by telephone **5.** An authorization for work or repairs that is given by telephone is not effective for the purpose of this Act unless the person receiving the authorization records,
- (a) the name and telephone number of the person giving the authorization; and
 - (b) the date and time of the authorization.
- Disclosure **6.**—(1) Every repairer shall post signs as prescribed by the regulations in a conspicuous place clearly visible to prospective customers stating,
- (a) that written estimates are available on request;

- (b) whether there is a charge for an estimate;
- (c) the cost of computing labour charges including,
 - (i) the hourly rate,
 - (ii) whether a rate predetermining the length of time required for the work or repairs will be applied, and
 - (iii) whether any commissions are payable;
- (d) that replaced parts will be available to the customer after the work or repairs; and
- (e) the telephone number of the regional office of the Ministry of Consumer and Commercial Relations where complaints may be directed.

(2) Clause (1) (e) does not apply to a repairer who puts on all repair orders and invoices that go to consumers the telephone number of the regional office of the Ministry of Consumer and Commercial Relations to which complaints may be directed. Exception

7.—(1) Every repairer shall offer to return to the customer all parts removed from the vehicle in the course of work or repairs unless advised when the work or repairs are authorized that the customer does not require their return. Return of parts

(2) Every repairer shall keep parts removed from one vehicle separate from the parts removed from any other vehicle and, if their return is requested by the customer, shall return the parts in a clean container. Parts kept separate

(3) Subsections (1) and (2) do not apply to parts, Exception

- (a) for which no charge has been made; or
- (b) replaced under warranty whose return to the manufacturer or distributor is required.

8.—(1) The repairer shall, on completion of work or repairs, provide the customer with an invoice showing, Invoice

- (a) the name and address of both customer and repairer;
- (b) the make, model, vehicle identification number and licence number of the vehicle;

- (c) the date the vehicle is returned to the customer;
- (d) the odometer reading at the time of return;
- (e) a description of the work or repairs made to the vehicle;
- (f) the parts installed and whether they are new, used or reconditioned;
- (g) the price of the parts installed;
- (h) the number of hours billed, the hourly rate and the total cost of labour;
- (i) the total amount billed; and
- (j) the terms of the warranty.

Idem (2) Shop supplies that are charged to a customer and not included in normal operating costs shall be itemized on the invoice.

Idem (3) Subsection (1), excluding clauses (1) (g), (h) and (i), applies where work is done under a warranty for which there is no charge.

Warranty **9.—(1)** Every repairer warrants all new or reconditioned parts installed and the labour required to install them for a minimum of ninety days or 5,000 kilometres, whichever comes first.

Idem (2) The warranty on parts used in a motorcycle or motor assisted bicycle is thirty days or 1,500 kilometres, whichever comes first, and not as set out in subsection (1).

Idem (3) The person having charge of a vehicle that becomes inoperable or unsafe to drive because of the failure or inadequacy of work or repairs to which a warranty under this section applies may, where it is not reasonable to return the vehicle to the original repairer, have the failure or inadequacy repaired at the closest facility available for the work or repairs.

Idem (4) Where work or repairs are made under subsection (3), the person entitled to a warranty under this section is entitled, in addition to any other rights or recourse available at law, to recover from the repairer the original cost of the work or repairs and reasonable towing charges.

(5) A customer who subjects any part to misuse or abuse is not entitled to the benefit of the warranty on that part. Loss of warranty

(6) No repairer shall refuse to reimburse a customer because of the operation of subsection (5) unless the repairer has reasonable and probable grounds to believe that the part under warranty was subjected to misuse or abuse. Idem

(7) A customer who seeks to recover costs under this section shall return, upon the request and at the expense of the original repairer, the defective parts to the original repairer unless, in the circumstances, it is not reasonably possible for the customer to do so. Return of parts

(8) An original repairer who is required to make a payment under this section is entitled to recover from the supplier of a defective part any amount paid to the customer under subsection (4). Reimbursement

10. No person shall give an estimate or charge an amount for work or repairs that is greater than that usually given or charged by that person for the same work or repairs merely because the cost is to be paid, directly or indirectly, by an insurance company registered under the *Insurance Act*. Consistent cost

R.S.O. 1980,
c. 218

11.—(1) No charge made in contravention of this Act is collectable or payable. Illegal charges not payable

(2) Any payment of a charge that was levied in contravention of this Act or any entitlement under subsection 9 (4) is recoverable by the person that made the payment or by the warranty holder in a court of competent jurisdiction. Idem

12.—(1) Every person who contravenes any provision of this Act is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. Offence

(2) Where a corporation is convicted of an offence under this Act, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided in subsection (1). Idem

(3) Where a corporation has been convicted of an offence under this Act, Idem

(a) each director of the corporation; and

(b) each officer, employee or agent of the corporation who was in whole or in part responsible for the contravention,

is a party to the offence unless he or she satisfies the court that he or she did not authorize, permit or acquiesce in the offence.

Regulations

13. The Lieutenant Governor in Council may make regulations,

- (a) exempting any person or class of persons from the application of this Act or any provision of this Act;
- (b) prescribing conditions for any exemptions prescribed under clause (a);
- (c) prescribing size, form and style of signs for the purposes of section 6;
- (d) exempting any class of vehicle, repairer, customer, part or type of repair from the application of this Act or any provision of this Act and attaching conditions to any exemption.

Commence-
ment

14. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

15. The short title of this Act is the *Motor Vehicle Repair Act, 1988*.